

## **IC 14-31-2**

### **Chapter 2. Indiana Natural Heritage Protection Campaign**

#### **IC 14-31-2-1**

##### **Purposes**

Sec. 1. The general purposes of this chapter are to do the following:

- (1) Promote the general health and welfare of citizens of Indiana by promoting the preservation of areas of unusual natural interest for scientific, educational, recreational, cultural, and aesthetic purposes as a link to Indiana's past and a legacy to Indiana's future.
- (2) Provide for the completion of Indiana's nature preserve system through a joint public and private campaign for protection of the best available remaining examples of the natural systems that represent Indiana's natural heritage before those unique and outstanding public resources are lost.
- (3) Provide for the maintenance and management of those natural areas and the rare native species for which the areas are habitat.

*As added by P.L.1-1995, SEC.24.*

#### **IC 14-31-2-2**

##### **"Appraised value" defined**

Sec. 2. As used in this chapter, "appraised value" means the value of property without consideration of the effect, if any, of dedication or other preservation related restrictions.

*As added by P.L.1-1995, SEC.24.*

#### **IC 14-31-2-3**

##### **"Campaign" defined**

Sec. 3. As used in this chapter, "campaign" refers to the Indiana natural heritage protection campaign established by this chapter.

*As added by P.L.1-1995, SEC.24.*

#### **IC 14-31-2-4**

##### **"Division" defined**

Sec. 4. As used in this chapter, "division" refers to the division of nature preserves.

*As added by P.L.1-1995, SEC.24.*

#### **IC 14-31-2-5**

##### **"Fund" defined**

Sec. 5. As used in this chapter, "fund" refers to the Indiana natural heritage protection fund established by this chapter.

*As added by P.L.1-1995, SEC.24.*

#### **IC 14-31-2-6**

##### **"Registry" defined**

Sec. 6. As used in this chapter, "registry" refers to the Indiana

natural areas registry:

- (1) created by IC 14-31-1-8; and
- (2) administered by the division under IC 14-31-1-9.

*As added by P.L.1-1995, SEC.24.*

#### **IC 14-31-2-7**

##### **"Trust I" defined**

Sec. 7. As used in this chapter, "trust I" refers to the Indiana natural heritage stewardship trust I authorized by this chapter.

*As added by P.L.1-1995, SEC.24.*

#### **IC 14-31-2-8**

##### **"Trust II" defined**

Sec. 8. As used in this chapter, "trust II" refers to the Indiana natural heritage stewardship trust II authorized by this chapter.

*As added by P.L.1-1995, SEC.24.*

#### **IC 14-31-2-9**

##### **Natural heritage protection fund**

Sec. 9. (a) The Indiana natural heritage protection fund is established. The department shall administer the fund to effect the purposes of this chapter.

(b) The department may expend fund resources, except as provided in section 11 of this chapter, only when property or property interests are acquired as part of the campaign. Acquisition includes the following:

- (1) Purchase of property interest by the department.
- (2) Acceptance by the department of gifts of property interests as campaign projects.
- (3) At the department's option, reimbursement to entities that are not departments or agencies of the state of part or all of the acquisition costs, not to exceed the appraised value, of natural areas or property interest:
  - (A) that those entities have purchased; and
  - (B) to which those entities desire to keep title.

However, reimbursement is permitted only when the proposed acquisition project is dedicated as a nature preserve under IC 14-31-1 or under IC 14-4-5 (before its repeal), or the natural features of the site that justify acquisition are otherwise permanently protected through similarly binding legal mechanisms.

(c) The department may expend fund resources supplied by the state only to the extent the resources have been matched with contributions to the fund of equal value from private sources. The private contributions:

- (1) may be made in cash or in contributions of land or property interests that are designated by the department as campaign acquisitions; and
- (2) shall be valued, for the purposes of this subsection, in accordance with the appraised value.

(d) The fund shall be managed to earn the highest interest compatible with prudent investment, preservation of principal, and reasonable liquidity. Absent reversion under subsection (e), principal and interest remain in the fund until expended under this chapter.

(e) Fund resources:

(1) appropriated by the state; and

(2) not matched within three (3) years from the date of the appropriation;

revert to the state general fund.

*As added by P.L.1-1995, SEC.24.*

#### **IC 14-31-2-10**

##### **Contributions and pledges**

Sec. 10. (a) The department may accept contributions and pledges to the fund. Pledges made contingent on appropriation of state money are acceptable and shall be reported with other pledges as set forth in this section.

(b) On each December 1 that precedes the beginning of a new budgetary biennium, until the campaign size limit is reached, the department shall include:

(1) the amount that has been contributed; and

(2) the amount that has been pledged for payment in the succeeding two (2) calendar years;

in the department's budget request.

(c) In addition to the budget request, the department shall report the amounts to:

(1) the governor; and

(2) the chairmen of the standing committees in the house of representatives and senate considering issues of finance and natural resources;

so that those public officials can take proper steps to secure the appropriation of a matching amount of public money for the fund.

(d) A similar state match of private contributions and pledges for successive years shall be requested in successive biennia until an amount not exceeding five million dollars (\$5,000,000) is appropriated to accomplish the purposes of this chapter.

*As added by P.L.1-1995, SEC.24.*

#### **IC 14-31-2-11**

##### **Transfer of money to stewardship trusts**

Sec. 11. (a) To ensure the proper management of natural areas acquired in the campaign, concurrent with the acquisition of each campaign site:

(1) an amount equal to twenty percent (20%) of the appraised value of the acquisition shall be transferred from the fund to an account designated the Indiana natural heritage stewardship trust I; and

(2) an amount equal to five percent (5%) of the appraised value of the acquisition shall be transferred from the fund to an account designated the Indiana natural heritage stewardship

trust II.

(b) The amounts to be transferred from the fund to trust I and trust II must be fully and exclusively derived from the following:

(1) Private contributions to the fund.

(2) Interest earned on private contributions to the fund.

(c) Trust I and trust II shall be maintained in a financial institution having a uniform interagency trust composite rating of one (1) or two (2). The financial institution is the trustee of trust I and trust II.

*As added by P.L.1-1995, SEC.24.*

#### **IC 14-31-2-12**

##### **Trustee of stewardship trusts**

Sec. 12. The trustee of trust I and trust II shall do the following:

(1) Accept the following:

(A) Transfers from the fund to trust I and trust II in accordance with this chapter.

(B) Any other unrestricted contribution to the trust.

(2) Invest contributions to trust I to earn the highest interest consistent with prudent management for permanent preservation of principal.

(3) Invest contributions to trust II to earn the highest interest consistent with prudent investment, preservation of principal, and reasonable liquidity.

(4) Distribute the income from trust I and trust II quarterly in accordance with the instructions to be provided by the division under section 15 of this chapter.

(5) Distribute the principal of trust II upon and in accordance with instructions from the division under section 16 of this chapter.

*As added by P.L.1-1995, SEC.24.*

#### **IC 14-31-2-13**

##### **Requisition of natural areas**

Sec. 13. The department shall use the fund, in accordance with this chapter, to acquire natural areas by purchase, gift, or reimbursement to complete the state nature preserve system. A site may not be acquired as part of the campaign that has not been approved for registry. In addition, in making the determination as to whether particular sites of natural interest will be acquired as part of the campaign, the department shall consider whether the site:

(1) is a relatively undisturbed example of a native ecological community that is uncommon;

(2) is habitat for native plant or animal species classified as endangered or threatened by the division of nature preserves and the Indiana heritage program;

(3) is a superlative example of a native ecological community;  
or

(4) if acquired, would significantly enhance efforts to protect natural systems or features in an existing nature preserve or campaign acquisition.

*As added by P.L.1-1995, SEC.24.*

#### **IC 14-31-2-14**

##### **Maximum acreage**

Sec. 14. The total acreage to be acquired in the campaign may not exceed fifteen thousand (15,000) acres. Campaign acquisition purchases may be made only from willing sellers.

*As added by P.L.1-1995, SEC.24.*

#### **IC 14-31-2-15**

##### **Instructions for trustee**

Sec. 15. The division shall prepare, on a quarterly basis, instructions for the trustee of trust I and trust II regarding distribution of income. In preparing these instructions, the division shall consider the following:

- (1) What entities have primary management responsibility for sites acquired as part of the campaign.
- (2) The amount of campaign acquisition acreage for which each entity has primary management responsibility.
- (3) Special management needs of particular campaign sites.
- (4) Any special agreement between the department and a primary management entity in which the entity waives the right to be considered for a share of the income from trust I and trust II.

*As added by P.L.1-1995, SEC.24.*

#### **IC 14-31-2-16**

##### **Distribution of principal**

Sec. 16. The division may instruct the trustee of trust II to distribute part or all of the principal of trust II to an entity primarily responsible for management of a campaign acquisition if, in the discretion of the division, the income that can be made available to that entity from trust I and trust II under section 15 of this chapter is insufficient for the accomplishment of management activities that are necessary for the preservation of the natural features that justified the acquisition of the site.

*As added by P.L.1-1995, SEC.24.*

#### **IC 14-31-2-17**

##### **Rules**

Sec. 17. The commission may adopt rules under IC 4-22-2 to implement this chapter.

*As added by P.L.1-1995, SEC.24.*